

Serial #:10/797,978
Reference #: EX02-049C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Hager et al
Serial No.: 10/797,978
Filed: 3/10/2004
For: MULTI-WELL APPARATUS

Confirmation No: 5004
Attorney Docket No: EX02-049C2

**RECEIVED
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APR 26 2005**

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Assistant Commissioner of Patents
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Notice of Abandonment for the above-identified application, applicants hereby submit a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY.

This petition is accompanied by the following:

- 1) A copy of the Notice of Abandonment mailed 2/15/2005;
- 2) A copy of the notice to file missing parts mailed 5/27/2004;
- 3) The executed oath/declaration and assignment;
- 4) The petition fee of \$1500.00 as set forth in 37 CFR 1.17(m);
- 5) PTO form PTO/SB/64;
- 6) Information Disclosure Statement.

Applicants hereby state that the entire delay in this case was unintentional.

The Commissioner is authorized to charge the petition fee of \$1500, the oath and declaration late submission fee of \$130.00, and any other fees required for consideration of this paper and any other papers filed herewith to deposit account number 50-1108.

Respectfully submitted,

Dated: April 26, 2005



Laleh Shayesteh Reg. No. 47,937
EXELIXIS, INC.
170 Harbor Way, P.O. Box 511
South San Francisco, California 94083-0511
Telephone: (650) 837-8223
Facsimile: (650) 837-8234

PTO/SB/64 (09-04)

Approved for use 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature
Laleh Shayesteh
Typed or printed name
Exelixis, Inc., 170 Harbor Way, P.O. Box 511,
South San Francisco, California 94083-0511
Address

Address

Date
April 26, 2005
47,937
Registration Number, if applicable
650-837-8223
Telephone Number

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other : Petition statement, Oath and Declaration, Assignment, IDS, Return Receipt Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

Date
April 26, 2005_____
Signature

Date

Laleh Shayesteh_____
Typed or printed name of person signing certificate

[Page 2 of 2]



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1419
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/797,978	03/10/2004	Hager	EX02-049C2

CONFIRMATION NO. 5004

ABANDONMENT/TERMINATION
 LETTER



OC000000015189006

23500
 PATENT DEPT
 EXELIXIS, INC.
 170 HARBOR WAY
 P.O. BOX 511
 SOUTH SAN FRANCISCO, CA 94083-0511

Date Mailed: 02/15/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/27/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

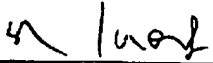
Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be

FEB 23 2005

accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/797,978	03/10/2004	Hager	EX02-049C2

23500
JAN P. BRUNELLE
EXELIXIS, INC.
170 HARBOR WAY
P.O. BOX 511
SOUTH SAN FRANCISCO, CA 94083-0511

CONFIRMATION NO. 5004

FORMALITIES LETTER

10000000012790267

Date Mailed: 05/27/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/28/2005 MBIZUNES 00000050 501108 10797978

FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice **MUST** be returned with the reply.

Robson
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

PTO/SB/01 (09-04)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	EX02-049C2
	First Named Inventor	Hager, et al
	COMPLETE IF KNOWN	
	Application Number	10/797,978
	Filing Date	3/10/2004
	Art Unit	
Examiner Name		

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Multi-Well Apparatus

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/10/2004 as United States Application Number or PCT International

Application Number 10/797,978 and was amended on (MM/DD/YYYY) (if applicable):

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

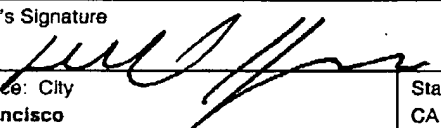
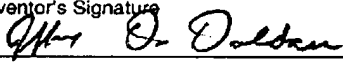
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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number		23500		OR <input type="checkbox"/> Correspondence address below	
Name Exelixis, Inc.					
Address 170 Harbor Way					
City South San Francisco		State CA		ZIP 94083-0511	
Country US		Telephone 650-837-7000		Fax 650-837-8234	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
NAME OF SOLE OR FIRST INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) David Clarence				Family Name or Surname Hager	
Inventor's Signature 				Date 4/26/05	
Residence: City San Francisco		State CA		Country US	
Mailing Address 2542 46th Avenue		City San Francisco		State CA	
City San Francisco		State CA		Zip 94118	
Country US		Citizenship US			
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Jeffery D. JEFFREY D.				Family Name or Surname Donaldson	
Inventor's Signature 				Date 3/18/2005	
Residence: City Tigard		State OR		Country US	
Mailing Address 8550 S.W. Colony Creek Court		City Tigard		State OR	
City Tigard		State OR		Zip 97224	
Country US		Citizenship US			
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 2 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

[Page 2 of 2]

PTO/SB/02A (09-04)

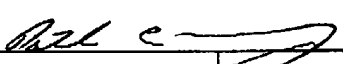
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DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**

Page 3 of 3

Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Patrick			Kearney		
Inventor's Signature 				Date 3/24/05	
Residence: City	San Francisco	State	CA	Country	US
Citizenship US					
Mailing Address 195 Bocana Street					
Mailing Address					
City	San Francisco	State	CA	ZIP	974110
				Country	US
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Douglas O.			Keller		
Inventor's Signature				Date	
Residence: City	Lake Oswego	State	OR	Country	US
Citizenship US					
Mailing Address 17754 Treetop Lane					
Mailing Address					
City	Lake Oswego	State	OR	Zip	97034
				Country	US
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
James William			Leahy		
Inventor's Signature				Date	
Residence: City	San Leandro	State	CA	Country	US
Citizenship US					
Mailing Address 1185 Camellia Court					
Mailing Address					
City	San Leandro	State	CA	Zip	94577
				Country	US

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.


PTO/SB/02A (09-04)

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DECLARATION**ADDITIONAL INVENTOR(S)**
Supplemental Sheet

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Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Patrick			Kearney		
Inventor's Signature				Date	
Residence: City	San Francisco	State	CA	Country	US
Citizenship US					
Mailing Address 195 Bocana Street					
Mailing Address					
City	San Francisco	State	CA	ZIP	974110
				Country	US
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Douglas O.			Keller		
Inventor's Signature 				Date	
Residence: City	Lake Oswego	State	OR	Country	US
Citizenship US					
Mailing Address 17754 Treetop Lane					
Mailing Address					
City	Lake Oswego	State	OR	Zip	97034
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Given Name (first and middle (if any))			Family Name or Surname		
James William			Leahy		
Inventor's Signature				Date	
Residence: City	San Leandro	State	CA	Country	US
Citizenship US					
Mailing Address 1185 Camella Court					
Mailing Address					
City	San Leandro	State	CA	Zip	94577
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Given Name (first and middle (if any))			Family Name or Surname		
Patrick			Kearney		
Inventor's Signature				Date	
Residence: City	San Francisco	State	CA	Country	US
Mailing Address 195 Bocana Street					
Mailing Address					
City	San Francisco	State	CA	ZIP	974110
			Country	US	
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Douglas O.			Keller		
Inventor's Signature				Date	
Residence: City	Lake Oswego	State	OR	Country	US
Mailing Address 17754 Treetop Lane					
Mailing Address					
City	Lake Oswego	State	OR	Zip	97034
			Country	US	
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
James William			Leahy		
Inventor's Signature <i>James William Leahy</i>				Date 4/6/05	
Residence: City	San Leandro	State	CA	Country	US
Mailing Address 1185 Camellia Court					
Mailing Address					
City	San Leandro	State	CA	Zip	94577
			Country	US	

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PTO/SB/02A (09-04)

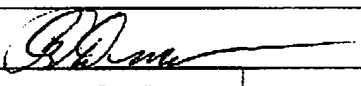
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DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**

Page 4 of 4

Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
Robert D.				Mercer	
Inventor's Signature 				Date 4-04-05	
Residence: City	Cornellus	State	OR	Country	US
Mailing Address 4-04-05 1984 SW Blooming-Fern Hill Rd 39641					
Mailing Address					
City	Cornellus	State	OR	ZIP	97113
Country US					
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
Michael				Morrissey	
Inventor's Signature				Date	
Residence: City	Danville	State	CA	Country	US
Mailing Address 129 Alta Vista Way					
Mailing Address					
City	Danville	State	CA	Zip	94506
Country US					
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))				Family Name or Surname	
Troy M.				Swartwood	
Inventor's Signature				Date	
Residence: City	Seattle	State	WA	Country	US
Mailing Address 4044 NE 58th Street					
Mailing Address					
City	Seattle	State	WA	Zip	98105
Country US					

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/02A (09-04)

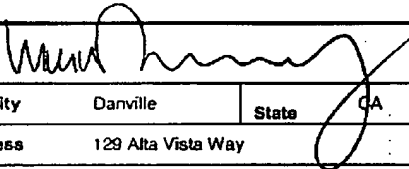
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DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**

Page 4 of 4

Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Robert D.			Mercer		
Inventor's Signature				Date	
Residence: City	Cornelius	State	OR	Country	US
Citizenship US					
Mailing Address 19641 SW Blooming-Fern Hill Rd					
Mailing Address					
City	Cornelius	State	OR	ZIP	97113
				Country	US
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Michael			Morrissey		
Inventor's Signature 				Date 3-24-2005	
Residence: City	Danville	State	CA	Country	US
Citizenship US					
Mailing Address 129 Alta Vista Way					
Mailing Address					
City	Danville	State	CA	Zip	94506
				Country	US
Name of Additional Inventor, if any				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))			Family Name or Surname		
Troy M.			Swartwood		
Inventor's Signature				Date	
Residence: City	Seattle	State	WA	Country	US
Citizenship US					
Mailing Address 4044 NE 58th Street					
Mailing Address					
City	Seattle	State	WA	Zip	98105
				Country	US

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/02A (09-04)

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Inventor's Signature				Date	
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Mailing Address					
City	Cornelius	State	OR	ZIP	97113
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Michael			Morrissey		
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Residence: City	Danville	State	CA	Country	US
Mailing Address		129 Alta Vista Way			
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Given Name (first and middle (if any))			Family Name or Surname		
Troy M.			Swartwood		
Inventor's Signature				Date	
<i>Troy M Swartwood</i>				3/17/05	
Residence: City	Seattle	State	WA	Country	US
Mailing Address		4044 NE 58th Street			
Mailing Address					
City	Seattle	State	WA	Zip	98105
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ASSIGNMENT

WHEREAS we, David Clarence Hager, Jeffrey D. Donaldson, Patrick Kearney, Douglas O. Keller, James William Leahy, Robert D. Mercer, Michael Morrissey, and Troy M. Swartwood, have previously entered into an agreement with Exelixis, Inc., South San Francisco, CA, to assign all our right, title and interest in and to any and all inventions made or conceived or reduced to practice during the course of our employment with Exelixis, and further agreed to execute additional assignment documents to assist Exelixis with respect to its proprietary rights, and wherein we, during the course of our employment with Exelixis have invented **Multi-Well Apparatus** (hereinafter "Invention"), disclosed in an application for United States patent, said application filed on March 10, 2004, Serial No. 10/797,978.

We are informed that Exelixis, Inc., 170 Harbor Way, P.O. Box 511, South San Francisco, California 94083-511 is desirous of obtaining an assignment document that indicates that Exelixis Plant Sciences, Inc., a wholly owned subsidiary of Exelixis, Inc. (collectively hereinafter referred to as Assignee), has received all right, title and interest to the Invention.

Now, therefore, and in consideration of our employment and compensation paid to us by Assignee and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, we have assigned to said Assignee and said Assignee's legal representatives, successors and assigns, the entire right, title, and interest (a) in and to said application and said Invention; (b) in and to all rights to apply for foreign patents on said invention; (c) in and to any and all applications filed and any and all patents granted on said Invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, continuation or nonprovisional 37 CFR 1.53(b) application of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this agreement.

We hereby authorize the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

We have conveyed to said Assignee the entire right to make application in its own behalf for protection of said Invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and we have agreed that we will at any time upon request, without further or additional compensation or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable or perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.

Date: 4/26/05Date: 3/18/2005

Date: _____

By: _____

David Clarence Hager

By: _____

Jeffrey D. Donaldson

By: _____

Patrick Kearney

ASSIGNMENT

WHEREAS we, David Clarence Hager, Jeffrey D. Donaldson, Patrick Kearney, Douglas O. Keller, James William Leahy, Robert D. Mercer, Michael Morrissey, and Troy M. Swartwood, have previously entered into an agreement with Exelixis, Inc., South San Francisco, CA, to assign all our right, title and interest in and to any and all inventions made or conceived or reduced to practice during the course of our employment with Exelixis, and further agreed to execute additional assignment documents to assist Exelixis with respect to its proprietary rights, and wherein we, during the course of our employment with Exelixis have invented **Multi-Well Apparatus** (hereinafter "Invention"), disclosed in an application for United States patent, said application filed on March 10, 2004, Serial No. 10/797,978.

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Now, therefore, and in consideration of our employment and compensation paid to us by Assignee and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, we have assigned to said Assignee and said Assignee's legal representatives, successors and assigns, the entire right, title, and interest (a) in and to said application and said Invention; (b) in and to all rights to apply for foreign patents on said invention; (c) in and to any and all applications filed and any and all patents granted on said Invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, continuation or nonprovisional 37 CFR 1.53(b) application of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this agreement.

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We have conveyed to said Assignee the entire right to make application in its own behalf for protection of said Invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the said United States application (or other application if any there be) in priority to other applications; and we have agreed that we will at any time upon request, without further or additional compensation or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable or perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such application or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of both parties.

Date: _____

By: _____

David Clarence Hager

Date: _____


By: _____

Jeffrey D. Donaldson

Date: 3/24/05By: 

Patrick Kearney

Date: 3/31/05

By: 
Douglas O. Keller

Date: _____

By: _____
James William Leahy

Date: _____

By: _____
Robert D. Mercer

Date: _____

By: _____
Michael Morrissey

Date: _____

By: _____
Troy M. Swartwood

Date: _____

Date: 4/6/05

Date: _____

Date: _____

Date: _____

By: _____
Douglas O. Keller

By: James W. Leahy
James William Leahy

By: _____
Robert D. Mercer

By: _____
Michael Morrissey

By: _____
Troy M. Swartwood

Date: _____

By: _____
Douglas O. Keller

Date: _____

By: _____
James William Leahy

Date: 4-04-05

By: _____
Robert D. Mercer

Date: _____

By: _____
Michael Morrissey

Date: _____

By: _____
Troy M. Swartwood

Date: _____

By: _____
Douglas O. Keller

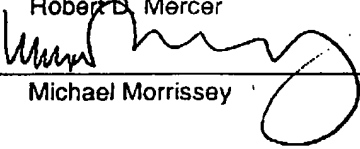
Date: _____

By: _____
James William Leahy

Date: _____

By: _____
Robert D. Mercer

Date: _____

By: _____

Michael Morrissey

Date: _____

By: _____
Troy M. Swartwood

Date: _____

By: _____
Douglas O. Keller

Date: _____

By: _____
James William Leahy

Date: _____

By: _____
Robert D. Mercer

Date: _____

By: _____
Michael Morrissey

Date: 3/17/05

By: Troy M Swartwood
Troy M. Swartwood

Serial #:10/797,978
Reference #: EX02-049C2

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APR 26 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Hager et al

Serial No.: 10/797,978

Filed: 3/10/2004

For: MULTI-WELL APPARATUS

Confirmation No: 5004

Attorney Docket No: EX02-049C2

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner of Patents
Alexandria, VA 22313-1450

In the accompanying Information Disclosure Statement by Applicant, references 1-48 were previously cited in US patent application number 10/094,253, now issued US patent US6,852,290, which is relied upon for an earlier effective filing date under 35 U.S.C. 120. Thus, copies of these references are not provided herewith pursuant to 37 C.F.R. 1.98(d).

No Fees are believed to be due for the submission of this IDS. If this belief is in error, however, the Commissioner is authorized to charge any fees required for consideration of this paper and any other papers filed herewith to deposit account number 50-1108.

Respectfully submitted,

Dated: April 26, 2005



Laleh Shayesteh Reg. No. 47,937
EXELIXIS, INC.
170 Harbor Way, P.O. Box 511
South San Francisco, California 94083-0511
Telephone: (650) 837-8223
Facsimile: (650) 837-8234

PTO/SB/CBa (C8-03)

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/797,978
				Filing Date	3/10/2004
				First Named Inventor	Hager
				Art Unit	
				Examiner Name	
Sheet	1	of	3	Attorney Docket Number	EX02-049C2

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (# known)			
	1	US- 3,319,792	5/16/67	Leder et al	
	2	US- 3,730,352	5/1/73	Cohen et al	
	3	US- 3,928,203	12/23/75	Kremer	
	4	US- 4,079,009	3/14/78	Seiler et al	
	5	US- 4,304,865	12/8/81	O'Brien et al	
	6	US- 4,483,925	11/20/84	Noack	
	7	US- 4,902,481	2/20/90	Clark et al	
	8	US- 5,047,215	9/10/91	Manns	
	9	US- 5,108,704	4/28/92	Bowers et al	
	10	US- 5,141,719	8/25/92	Fernwood et al	
	11	US- 5,208,181	5/4/93	Saunders et al	
	12	US- 5,324,483	6/28/94	Cody et al	
	13	US- 5,679,310	10/21/97	Manns	
	14	US- 6,054,100	4/25/00	Stanchfield et al	
	15	US- 6,159,388	12/12/00	Moring et al	
	16	US- 4,623,461	11/18/86	Hossom et al	
	17	US- 4,693,834	9/15/87	Hossom	
	18	US- 4,734,192	3/29/88	Champion et al	
	19	US- 4,895,706	1/23/90	Root et al	
	20	US- 4,984,564	8/14/90	Root et al	

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

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Sheet	2	of	3	Attorney Docket Number	EX02-049C2

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		Number - Kind Code ² (if known)			
	22	US-5,039,493	8/13/91	Oprandy	
	23	US- 5,205,989	4/27/93	Aysta	
	24	US- 5,264,184	11/23/93	Aysta et al	
	25	US- 5,283,039	2/1/94	Aysta	
	26	US- 5,364,533	11/15/94	Ogura et al	
	27	US- 5,464,541	11/7/95	Aysta et al	
	28	US- 5,484,572	1/16/96	Katakura et al	
	29	US- 5,620,663	4/15/97	Aysta et al	
	30	US- 5,624,815	4/29/97	Grant et al	
	31	US- 5,976,824	11/2/99	Gordon	
	32	US- 5,998,214	12/7/99	Gulrguis	
	33	US- 5,417,923	5/23/95	Bojanic et al	
	34	US- 6,063,282	5/16/00	Moulton	
	35	US- 4,797,259	1/10/89	Matkovich et al	
	36	US- 6,225,079	5/1/01	Mueller	
	37	US- 3,405,706	10/15/68	Cinquatre	
	38	US- 3,604,410	9/14/71	Whitacre	
	39	US- 5,104,375	4/14/92	Wolf et al	
	40	US- 3,696,806	10/10/72	Sausse	
	41	US- 5,505,721	4/9/96	Leach et al	

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[illegible]

Examiner Signature		Date Considered	
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				Filing Date	3/10/2004
				First Named Inventor	Hager
				Art Unit	
				Examiner Name	
Sheet	3	of	3	Attorney Docket Number	EX02-049C2

[illegible][illegible]

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